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SUBJECT: Jamaica: Ambassador meets with Minister of Justice

REF: KINGSTON 1470

¶1. Summary: On November 21, Ambassador Johnson, the Deputy Chief of Mission and NAS Director held their first meeting with Jamaica's new Minister of Justice, Dorothy Lightbourne. Also in attendance was Carole Palmer, the Ministry's Permanent Secretary.

The Minister, who comes from the private bar (Note: full bio information is available in Reftel), outlined her key priorities: Justice Sector Reform, a greater focus on Human Rights through creation of an independent authority to investigate police abuse, appointment of an Anti-Corruption Special Prosecutor, and clearing the backlog of criminal and civil cases. The Minister demurred on providing any additional information regarding the uproar over the appointment of a new Solicitor General, but was clear that she would continue to support international extraditions, as long as the proper procedures were followed. End Summary.

#### Cabinet Approval for Special Prosecutor

¶2. (SBU) Minister Lightbourne came directly to the meeting from Cabinet, where approval was granted to draft and present legislation to create an Anti-Corruption Special Prosecutor. It is her goal to see the draft presented to Parliament before the end of the year. To accomplish this, she has hired back a recently retired legislative expert. The Minister speculated that the draft legislation would be ready for review before mid-December. Previously, the Director of the Office of Public Prosecutions, a constitutional body, had raised objections to the appointment of any special prosecutors, whose power would fall outside his purview. The Minister seems to have reached an accommodation with him, stating that under the legislation, the Director of Prosecutions would remain chief prosecutor and would retain his constitutional authority to step in and take over any prosecution. However, they had all agreed that the special prosecutor would remain as independent as possible.

#### Independent Authority to Investigate Police Killings

¶3. (SBU) During the same cabinet meeting, approval was granted to draft legislation to create an independent review board to investigate fatal police shootings of civilians and other violent incidents by the police against civilians. Minister Lightbourne indicated that there has already been some back and forth between her office and the police force regarding securing crime scenes and control of investigations. Minister Lightbourne remains confident that they will be able to overcome these concerns during the legislative formation.

#### Background on Police Shootings

¶4. (SBU) As of November 4, crime statistics show that the police have been involved in 209 fatal shootings, and 865 non-fatal confrontations between police and civilians that involved gunfire. The current Bureau of Special Investigation, a segment of the Professional Standards Branch of the Jamaica Constabulary Force, has

proven incapable of handling the onslaught of cases, which include fatal as well as non-fatal shootings, and other complaints regarding non-violent unprofessional conduct by police officers against civilians. The Bureau is admittedly understaffed, but according to Minister Lightbourne, due to the "wall of silence" that exists within the Force, it is almost impossible for the police to effectively investigate themselves.

#### Justice Sector Reform

¶5. (SBU) The Minister is keen to advance the Justice Sector Reform Project, which published its final recommendations in June 2007. The report, which runs some 329 pages, was a seven-month collaboration between the Jamaican judicial establishment, judges, public and private bar, civil society, and the Canadian Bar Association. The report outlines numerous reforms that are necessary for Jamaica to modernize a creaking court and penal system that has inadequate and unsecured court house space, and a staggering backlog of cases.

¶6. (SBU) For example the Resident's Magistrate and outstation (rural) courthouses are reported to have a backlog of more than 200,000 cases, and even serious criminal offenses are often routinely continued for years before coming to trial. The Minister is keen to explore Alternative Dispute Resolution (ADR), pre-trial conferencing, and even the special appointment of temporary magistrates to clear the clogged dockets. She has met with resistance from the Jamaican Judiciary, particularly to the notion of temporary judges, but plans to keep pushing. Minister Lightbourne asked for more information on U.S. ADR programs. In particular she is keen to receive information on minimum training standards for Mediators and recommendations on how to fund court-ordered mediation for indigent individuals.

#### International Extradition

¶7. (SBU) The Ambassador asked the Minister to outline her philosophy regarding international extradition. Since her appointment, the pace of pending extradition orders has slowed. The Minister explained that she is not opposed to carrying out the obligations under our treaties that govern extradition, but cautioned that she does read the entire file and will not sign off on cases where either the proper procedures have not been followed, or there are errors in the documentation. Minister Lightbourne raised one pending U.S. case as an example, where the instruction sheet and provisional arrest warrant contain two different dates. Post continues to follow up with the U.S. Department of Justice to clarify the error for Minister Lightbourne.

#### Solicitor General Nomination

¶8. (SBU) When asked about the controversy surrounding the appointment of the new Solicitor General, Minister Lightbourne politely refused to answer. The Ambassador expressed her hope that a new Solicitor General would be appointed as soon as possible following international democratic and transparent norms.

#### Background on the Controversy

¶9. (SBU) On November 16, the Prime Minister met with the members of the Public Service Commission (PSC) to discuss its recommendation to the Governor General that Stephen Vasciannie be named as the new Solicitor General. Earlier that same week, the Minister of Justice had publicly expressed her concerns about the nomination, calling Vasciannie's too much of an academic to be Solicitor General. Subsequent to that meeting, Golding asked the Governor General to dissolve the PSC for misconduct and to re-advertise the position of Solicitor General. No similar controversy has ever occurred around the appointment of Solicitor General. Normally a new Solicitor General is named before the old one leaves office, so the current situation of having the Deputy Solicitor General acting as Solicitor General is also unprecedented.

#### Role of Solicitor General

¶10. (SBU) The Solicitor General is the administrative head of the Attorney General's Chambers, which are located in the Ministry of

Justice. The Minister is the Attorney General. Unlike the Attorney General, he is not a political appointee. He is a civil servant appointed by the Governor General on the advice of the Public Services Commission. In addition to his administrative responsibilities, the Solicitor General represents the Government in complex litigation (usually before the Judicial Committee of the Privy Council) and in certain commercial negotiations, including negotiations with international lending agencies. He is also a member of Jamaica's delegations to the United Nations General Assembly and to other foreign bodies.

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